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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOCAL 58, HOTEL & ALLIED SERVICES UNION,
SEIU, EFL-CIO, WELFARE, PENSION AND ANNUITY
FUNDS, by their trustees, PETER WARD, MICHAEL SIMO,
HELEN MAURIZO, and MARILYN LIPMAN and the NEW
YORK HOTEL TRADES COUNCIL AND HOTEL
ASSOCIATION OF THE NEW YORK CITY, INC. HEALTH
BENEFITS FUND,

07 CIV 7508
(RH) (THK)

Plaintiffs,

-against-

IMPERIAL COURT HOTEL,

Defendants.

DEC 13

In accordance with Federal Rule of Civil Procedure 26(f), the parties agree to the following discovery schedule:

1. Description of the Case

a. The attorneys of record for Plaintiffs are:

Pitta & Dreier LLP

499 Park Avenue

New York, NY 10022

Lead trial attorney: Michael J. D'Angelo

The attorneys of record for Defendant are:

Kaufman Dolowich & Voluck LLP

135 Crossways Park Drive, Suite 201

Woodbury, NY 11797

Lead trial attorney: Regina E. Faul

- b. The basis for federal jurisdiction is Section 301 of the Labor Management Relations Act of 1947, 29 USC § 185 and Sections 502(a)(3) and 515 of Employment Retirement Income Security Act, as amended, 29 USC §§ 1132(a)(3) and 1145.
- c. This is an action by the trustees of the various Taft-Hartley Act multi-employer benefits funds ("funds") to collect unpaid contributions owed to the funds by the defendant Imperial Court Hotel ("Hotel"). An audit of the

Hotel's books and records was conducted at the Funds request pursuant to the Collective Bargaining Agreement, the applicable provisions of the various Restatements of Trust for the funds, and the applicable provisions of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), and the Multi-Employer Pension Plan Amendments Act of 1980 ("MEPPAA") for the time period January 1, 2003 through June 30, 2007 (the "Audit Period"). The funds have asserted that the Hotel is required to pay certain employee benefits to the Funds and the Hotel has disputed the audited amount of contributions owed to the Funds for the Audit Period.

- d. The major factual issues in the case are the amounts of contributions owed, if any, to the funds.
- e. The Funds are seeking payment of contributions to the Funds plus interest, attorneys' fees and liquidated damages.

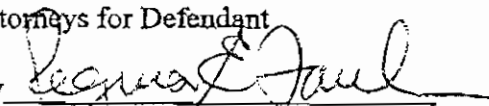
2. Proposed Case Management Plan

- | | |
|--|--------------------|
| a. Pending Motions | None |
| b. Joinder of additional parties | February 8, 2008 |
| c. Amendment of pleadings as of right | February 8, 2008 |
| d. Completion of fact discovery | July 31, 2008 |
| e. Initial Disclosures (Pursuant to rule 26(a)(1)) | December 28, 2007 |
| f. Disclosure of Expert Testimony
(Pursuant to rule 26(a)(2)) | July 1, 2008 |
| g. Completion of expert discovery
including service of expert report | August 15, 2008 |
| h. Service of Dispositive Motions (or
request for leave to file same) | September 1, 2008 |
| i. Filing of Pre-trial Order
(If no dispositive motion is filed) | September 20, 2008 |
| j. Jury trial is not requested | |
| k. Probable length of trial | 1 to 2 days |
| l. Ready date for trial | October 15, 2008 |


3. The parties do not unanimously agree to proceed before a Magistrate Judge.
4. Status of settlement discussions
 - a. The parties have engaged in initial settlement discussions.
 - b. The parties are currently addressing settlement issues with their respective clients.
 - c. A settlement conference is not requested, at this time.

Dated: Woodbury, New York
December 13, 2007

Kaufman Dolowich & Voluck, LLP
Attorneys for Defendant

By 
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Pitta & Dreier, LLP
Attorneys for Plaintiff

By 
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So Ordered:

U.S.D.J.

ND: 4849-9629-4146, v. 1

*A conference will be
held on August 7, 2008.
No extension of discovery
deadlines absent extraordinary
circumstances.*

SO ORDERED

D. J. Hilly

US DJ

12/19/07